

# RECENT DEVELOPMENTS\*

## STETSON LAW REVIEW CITY, COUNTY, AND LOCAL GOVERNMENT LAW DIRECTORY OF TOPICS FOR RECENT DEVELOPMENTS

<b>Annexation</b> .....	04-689, 691	<b>Qualified Immunity</b> ....	98-971, 973, 977
Land-Use Planning .....	02-423	.....	99-763, 884
Legal Requirements.....	01-1073	<b>Regulatory Taking</b> .....	98-986
<b>Antitrust</b>		Sections 1985(3) & 1986.....	98-988
(see also Governmental Contracting)		<b>Due Process</b> .....	97-1037, 1038
<b>Apportionment &amp; Redistricting</b>		.....	98-990; 99-871; 916; 01-1081, 1086
(see also Voting Rights)		.....	1090; 02-430, 433; 03-565
<b>City Government</b>		.....	04-709, 712, 714
Prerequisite Functions .....	01-1077	<b>Education</b>	
<b>Communications</b>		School Vouchers .....	02-436
Telecommunications Act		<b>Eleventh Amendment</b> .....	02-439
of 1996 .....	98-933	<b>Equal Protection</b> .....	98-993
Local Regulations		.....	01-1092; 03-570; 04-717
Federal Preemption .....	00-827	<b>Fifth Amendment</b> .....	99-878; 01-1095
<b>Condemnation &amp; Eminent Domain</b>		.....	04-720
Attorney Fees .....	97-941, 945	<b>First Amendment</b> .....	04-723, 726, 730
.....	98-940, 943; 03-559	Adult Business Use .....	98-995, 1001
Inverse Condemnation .....	00-829	.....	99-765, 769; 01-1096; 02-447
Easements.....	97-944	.....	03-581, 637
Settlement Agreements.....	97-942	<b>Association</b> .....	00-965
Valuation .....	00-836; 04-693	<b>Elections</b> .....	03-568, 586
<b>Constitutional Law</b>		<b>Handbills &amp; Advertisements</b>	
(see also Land-Use Planning &		.....	97-949, 951; 98-1003
Zoning and Public Employment)		<b>Harassment &amp; Misconduct</b> .....	00-848
Amendments.....	03-561, 563	<b>Homeless Shelters</b> .....	97-1078
Civil Rights Section 1983 .....	97-955	<b>Noise Nuisance</b> .....	98-1007
.....	98-947, 950, 952, 958	<b>Prisoners' Rights</b> .....	98-1010
.....	99-753, 756, 760, 819, 828; 02-427	<b>Religious Freedom</b> .....	97-1078
.....	04-697, 701, 703, 706	.....	98-1012, 1014; 03-573
Affirmative Action.....	00-841	<b>Qualified Immunity</b> .....	99-771; 00-850
Immunity .....	98-963, 967, 983; 00-839	<b>Signs &amp; Billboards</b> .....	98-1018; 03-592
		<b>Sound Ordinance</b> .....	02-449
		<b>Standing</b> .....	00-852
		<b>Fourth Amendment</b> .....	01-1099
		Search & Seizure .....	02-453
		<b>Fourth &amp; Fourteenth Amendments</b>	
		Elections .....	98-1023

\* Decisions editorially summarized as nationally reported through November 2003. Our editorial summaries in this Recent Developments Section will emphasize subjects of direct interest to municipal-corporation and local-government-entity practitioners and academics. Citation style has been adapted for these purposes. For information about a case's procedure, pleadings, and other subjects, you should read the case directly.

- Qualified Immunity ..... 00-855  
 Search & Seizure.....00-858; 01-1101  
 Right to Safety..... 98-955  
 Immunity ..... 01-1105  
 Inverse Condemnation  
   Takings..... 97-953, 954; 00-945; 02-455  
   ..... 04-720  
 Standing..... 03-597; 04-732, 735  
 State Action ..... 04-735  
 Retrospective Application ..... 00-861  
  
**Disaster Management** ..... 97-959  
 Federal Emergency Management Act  
  
**Education**  
 (see also Public Education)  
  
**Elections**  
 (see also Constitutional Law) ..... 97-961  
   ..... 968; 98-1029  
 Ballot Summary ..... 97-963; 99-775  
   ..... 01-1109, 1110; 03-601  
 Campaigns ..... 99-778  
 Challenges ..... 00-865  
 Initiative/Referendum ..... 97-968, 1004  
 Protest ..... 99-782, 784  
 Recall Petition ..... 97-962, 98-1029  
 Term Limits  
  
**Environment**  
 Dredge & Fill  
 DRI ..... 97-971  
 Endangered Species ..... 03-634  
 Landfills  
 Operational Restrictions ..... 97-973  
 Permit  
 Pollution Control ..... 99-787  
 Solid Waste Handling/Disposal ... 98-993  
 Water  
  
**Ethics Code** ..... 97-975, 976  
  
**Federal Preemption**  
 Occupational License ..... 00-912  
  
**Finance & Taxation** ..... 04-739  
 Abatement for Development ..... 01-1185  
 Bond Financing ..... 97-1051; 03-610  
 Budget ..... 02-505  
 Deeds ..... 02-546; 03-619  
 Nontax Revenues  
   Environment, Water &  
   Waste Handling ..... 97-1052; 04-743  
   Rights of Way ..... 00-919  
   Service Fee ..... 00-987  
  
 Special Assessment..... 97-1053, 1055  
   ..... 98-1083, 1088; 99-867; 00-921  
   ..... 01-1188; 03-617  
 Spot Reappraisals ..... 99-951  
 Tax Certificate ..... 01-1244  
 Tax Deed Sale ..... 02-547  
 Taxation..... 97-1056, 1057; 99-865  
   ..... 01-1241  
   Ad Valorem..... 99-949; 00-924, 985  
   ..... 02-541, 543; 03-561; 04-745  
   Standing ..... 04-756  
   Ad Valorem Tax ... 97-1060, 1061, 1064  
   ..... 1066; 98-1090; 99-795; 00-924  
   ..... 927, 987; 03-605, 607  
   ..... 04-748, 750, 753, 755  
   Disabled Parking Permit ..... 97-1067  
   Local Option Tourist  
   Development Act..... 98-1094, 1096  
   Non-Ad Valorem Tax..... 03-614  
   Sales Tax ..... 98-1098  
   Standing ..... 98-1101  
  
**Firefighters**  
 (see also Public Employment)..... 97-981  
  
**Franchises**  
 Cable Communications  
 Taxicabs  
  
**Government Contracting** ..... 98-1033  
   ..... 01-1115, 1129; 04-759  
   Contracts & Agreements  
   Commission Powers..... 02-521  
 Exclusive Contracts ..... 97-983; 98-1035  
   ..... 99-791  
 Franchise Agreements ..... 03-623  
 Indemnification ..... 01-1118; 02-461  
   ..... 03-625  
 Indemnification &  
   Equitable Subrogation ..... 00-869  
 Notice of Meeting ..... 00-873  
 Performance Bonds  
 Public Bidding ..... 97-984; 99-792  
   ..... 98-1034, 1035, 1036; 01-1120  
 Redevelopment..... 98-1038  
  
**Government Property**  
 Disability Access ..... 98-1043; 01-1123  
 Fee Titles & Easements ..... 00-877  
 Nuisance ..... 01-1125  
 Taxation ..... 99-795  
  
**Health & Safety**  
 Codes & Enforcement..... 97-995; 99-811  
   ..... 04-763  
 Drug Testing ..... 98-1023

- Emergency Ambulance  
Services .....97-999; 98-983
- Health Care & Clinics
- Human Services  
ADA .....97-997, 998, 1043  
AIDS  
911 Services ..... 99-812  
Social Service
- Home Rule (Charter & Noncharter)**  
.....97-1003; 98-1051; 01-1109  
Commission Powers ..... 01-1141  
Initiative & Referendum ..... 97-1004  
..... 99-815  
State Supremacy .....00-861; 04-767
- Immunity**  
(see Tort Liability & Governmental  
Immunity)
- Indigents Public Defense** ..... 97-1011
- Initiative & Referendum**  
(see also Home Rule)
- Insurance**  
(see also Tort Liability &  
Governmental Immunity) ..... 97-1013  
Partner Benefits ..... 99-823  
Policy Exclusion ..... 99-824  
Public Education  
Self Insurance .....00-883; 01-1145
- Inverse Condemnation**  
(see also Constitutional Law:  
Fifth Amendment and Land-Use  
Planning & Zoning)
- Jails & Prisons**  
(see also Public Employment: FLSA)  
Employees .....97-1019; 99-827  
Immunity ..... 99-828  
Inmates .....97-1021; 99-832  
Religious Freedom ..... 98-1012
- Labor Relations**  
(see also Public Employment)  
Fair Labor Standards Act ..... 99-893  
..... 01-1149
- Land-Use Planning & Zoning**... 04-771  
Administrative/Judicial ..... 97-1027  
..... 03-634, 654; 04-775  
Adult Business ..... 01-1155; 03-581, 637  
Alcohol  
Building Permits
- Block Grant .....97-1023  
Communication Towers .....98-933  
..... 00-889; 03-648  
Comprehensive Plan  
Amendments ..... 01-1159; 02-468  
.....03-639  
In Compliance ..... 97-1024; 00-895  
..... 01-1161; 02-473; 04-778  
Zoning District .....97-1025  
Contract Zoning ..... 98-1056; 99-835  
Down Zoning .....97-1027  
Enabling Act .....98-1058  
Equitable Estoppel .....03-643  
Federal Preemption ..... 02-477; 03-648  
Impact Fees & Land Dedication  
Inverse Condemnation  
Mobile Modular Homes, Trailers &  
Recreational Vehicles .....98-1060  
.....03-651  
Nonconforming Use .....98-1062  
Notice .....98-837  
Permitting ..... 01-1163, 1167  
Plat Dedication .....97-1029  
PUD ..... 97-1030, 1033  
Quasi-Judicial .....97-1034  
..... 98-1065, 1066  
Regulatory Taking ..... 98-986, 1068  
Ripeness  
Remedies .....97-1034  
Rezoning ..... 98-1053; 99-839  
..... 04-780, 782  
Small Scale .....01-1159  
Safety Codes .....97-1035  
Spot Zoning .....99-840  
Standard of Judicial Review .....98-1065  
..... 1070; 99-842, 846  
Standing ..... 97-1036; 01-1171; 03-654  
.....04-784  
Streets .....99-850  
Substantive Due  
Process .....97-1037, 1038; 03-565  
Takings ..... 97-953, 954; 99-853  
.....01-1173; 02-480, 483  
Urban Redevelopment  
Variance .... 01-1176; 02-491; 03-655, 657  
Vested Rights ... 97-1035; 99-855; 00-891  
.....03-629
- Legal Services** .....97-1011
- Licenses & Permits**  
(see also Land-Use Planning & Zoning)  
Occupational License .....99-861
- Local Government Finance**  
Impact Fees .....01-1179

**Meetings & Procedures**

(see Public Records &amp; Meeting)

**Municipal Authority**

(see also Ordinances &amp; Regulations)

Annexation.....	98-1073; 00-905
Bonding Authority .....	98-1076; 02-495
Certiorari Review .....	98-1078
Charitable Solicitations.....	00-906
City Charters.....	01-1183
Commission Powers .....	01-1141
Delegation	
Domestic Partnership	
Notice & Hearing .....	00-910
Occupational Licensing .....	00-912
Ordinance.....	02-498
Police Power Controls	
Begging .....	97-1047
Fluoridation .....	03-661
Littering .....	97-951
Loitering	
Nuisance Abatement .....	97-954
Parading.....	97-1048
Street Management .....	02-502
Quasi-Judicial Power.....	98-1081

**Municipal Finance**

(see Finance &amp; Taxation)

**Ordinances & Regulations**

(see also Municipal Authority &amp; Constitutional Law)

Adult Uses .....	97-1071
Billboards.....	97-1073; 03-592
Criminal .....	99-871
Curfew .....	97-1076; 01-1086; 03-665
Gambling.....	97-1075; 98-1103; 00-931
Federal Preemption	
Homeless Shelters.....	97-1078
Loitering.....	01-1081
Mayor's Veto Power .....	00-932
Noise .....	00-933; 01-1197
Noise Nuisance.....	01-1193
Special Assessment.....	02-509
Public Nuisance.....	98-1105; 99-872
.....	04-787
Residential/Business Parking....	98-1107
Special Assessment.....	99-874
State Preemption .....	04-789, 791
Sun & Sand.....	97-1080

**Parks & Playgrounds**

(see also Government Property)

**Pensions & Benefits**

(see also Public Employment)

**Police**

(see also Tort Liability &amp;

Governmental Immunity).....	97-1081
ADA.....	98-1109
City & County Sheriff .....	99-875
Civil Rights.....	98-947, 958; 00-855
.....	01-1199
Constitutional Duties .....	98-955
Discharge & Resignation .....	97-955
.....	98-990, 1118; 99-878, 881
Duty—Workers'	
Compensation .....	00-937
Forfeiture....	00-939; 03-669; 04-793, 796
Immunity.....	98-963, 967
.....	99-760, 763, 884; 01-1200
.....	03-671, 673, 677
Public Duty Doctrine.....	00-941
Qualified .....	98-973, 977, 1115; 99-884
.....	01-1202, 1205; 02-511
Sovereign .....	97-1081; 01-1208
Pursuit .....	99-886; 01-1101
Retaliatory Suspension .....	97-1102
Stop & Frisk .....	01-1101
Training .....	99-893; 04-703

**Police Powers**

(see also Municipal Authority)

<b>Practice &amp; Procedure</b> .....	04-799
Appellate.....	99-895
.....	01-1211, 1213; 02-515; 03-706
Attorney Fees .....	01-1215
Collateral Estoppel .....	04-803
Enforcement of Judgment.....	00-945
Evidence.....	02-516
Filing .....	02-518
Notice .....	99-896
Scope of Review.....	04-806
Trial	
Attorney Fees .....	97-1113; 99-898
Diversity Claims .....	98-1123
Jurisdiction.....	04-809
Pleading .....	01-1218
Venue .....	03-681

**Public Contracts**

(see also Government Contracting)

Contracts & Agreements.....	03-704
-----------------------------	--------

**Public Education**

(see also Public Employment &amp; Tort Liability &amp;

Governmental Immunity).....	04-815
Boards .....	98-1127
Scope of Power .....	00-949

- Disabilities**  
 (IDEA) .... 97-1083; 98-1133, 1136, 1139  
 (Rehabilitation Act) ..... 99-901  
 Discipline ..... 99-904; 02-527; 04-706  
 Employee Promotion ..... 00-951  
 Grievance Procedures ..... 97-1084  
**Harassment &**  
 Misconduct ..... 97-1085, 1087, 1089  
 ..... 98-1128; 99-867, 905, 906; 00-955  
 ..... 04-817  
**Immunity** ..... 98-1143, 1194; 00-960  
 ..... 01-1223, 1227  
**Insurance** ..... 99-908  
**Random Search** ..... 97-1090  
**Search & Seizure** ..... 00-962  
**Suicide** ..... 99-910  
**Taxation** ..... 97-1056, 1057; 99-865  
 Ad Valorem .. 97-1060, 1061, 1064, 1066  
 ..... 98-1090; 99-795  
 Disabled Parking Permit ..... 97-1067  
 Local Option Tourist  
 Development Act ..... 98-1094, 1096  
 Sales Tax ..... 98-1098  
 Standing ..... 98-1101
- Public Employment**  
 (see also Police) ..... 04-821  
 ADA, Disability .. 97-981, 997, 998, 1093  
 ..... 04-823, 825  
 Applicant Qualifications ..... 97-995  
 Demotion ..... 00-965; 03-685  
 Discharge ..... 98-1147; 99-915, 916  
 ..... 01-1183, 1231; 02-531  
 Discrimination ..... 97-1093, 1094, 1095  
 ..... 99-918, 925, 929; 01-1199  
 ..... 02-533; 04-825  
 Title VII ..... 98-1149, 1152; 99-932  
 FLSA ..... 98-1156, 1159; 98-893, 935  
 ..... 01-1149  
 Grievance ..... 98-1162; 02-536  
 Independent Contractors .97-1096, 1098  
 Labor Relations ..... 97-1101; 99-936  
 ..... 03-688; 04-828  
 Patents ..... 03-691  
 Police ..... 99-939  
 Retaliatory Suspension ..... 97-1102  
 ..... 98-1152; 99-753  
**Salaries, Pensions &**  
 Benefits .... 97-937, 938; 00-968; 03-693  
**Tort Claims** ..... 98-1194  
**Volunteer** ..... 00-971  
**Whistle-blower's Act** ..... 99-942  
 ..... 00-973, 975; 01-1233  
**Workers' Compensation** ..... 01-1236  
 ..... 04-832  
**Wrongful Discharge** ..... 97-1104
- Public Lands**  
 Liability/Immunity ..... 01-1136; 03-716
- Public Records & Meetings** ..... 04-835  
**Electronically Stored**  
 Communications ..... 03-697  
 Exceptions ..... 03-699, 701; 04-838  
 Open Meetings Law ..... 00-899  
 Sunshine Law ..... 97-1041, 1043, 1044  
 ..... 03-704, 706
- Public Utilities**  
 Defined ..... 98-1167  
 Public Bidding ..... 98-1036; 01-1120  
 Rates ..... 97-1107; 02-539; 04-743  
 Utility Districts  
 Utility Ownership  
 Water & Sewer ..... 99-945; 01-1239
- Referendum**  
 (see also Home Rule)
- Revenues**  
 (see also Finance & Taxation)
- Signs & Billboards**  
 (see also Constitutional Law) ..... 97-1073
- Sidewalks** ..... 97-949, 1047; 98-1003
- Sovereign Immunity**  
 (see also Tort Liability & Governmental  
 Immunity)
- Special Districts**
- State Preemption** ..... 00-981; 04-841
- Sunshine Law**  
 (see also Public Records & Meetings)  
 Pending Litigation ..... 00-899
- Taxation**  
 (see also Finance & Taxation)
- Tort Liability & Governmental  
 Immunity**  
 (see also Police) ..... 98-1043; 98-1169  
 Claims against Governmental  
 Entity ..... 98-1177; 00-991, 994; 02-551  
 Counties ..... 99-947  
 Hearsay ..... 98-1180  
 Humor ..... 97-990  
 Jails & Prisons ..... 99-832; 00-879  
 Jurisdiction ..... 98-1046; 03-681, 711

Liability Insurance .....	98-1048	Motor Vehicles	
.....	99-801, 803, 805	Parking	
Local Government .....	99-819	Standing	
Municipal Negligence .....	98-1181	Statute of Limitations	
Personal Injury.....	98-1183, 1186	Streets & Highways.....	97-1109, 1110
.....	1189, 1194; 01-1249; 02-552	.....	99-955
Public Education .....	98-1170, 1194	Traffic Control Devices.....	00-997
Public Lands .....	01-1136	Trial Practice.....	97-1113
Scope of Employment			
(see also Sovereign Immunity) ..	98-1194	<b>Voting Rights</b> .....	98-1197; 98-1130, 1204
Sexual Harassment.....	02-558	Apportionment .....	97-1115
Sovereign Immunity .....	97-987, 990	Judicial Offices.....	97-1126; 98-1203
.....	99-808; 01-1129, 1131, 1133	Legal Fees.....	01-1253
.....	02-465; 04-845	Redistricting.....	97-1118; 1120; 00-999
Swimming Area.....	01-1136; 03-713, 716	.....	1121, 1130; 01-1257
Third-Party Contracts .....	03-718	School Boards .....	97-1124; 02-565
Surface Waters .....	98-1174	Vote Dilution .....	99-959; 00-1000, 1003
		.....	01-1261; 03-722
<b>Transportation</b>		Voting Rights Act of 1965 .....	02-567
Attorney Fees			
Mass Transit.....	02-561		